BILL NO. X-89-11- 36

ANNEXATION ORDINANCE NO. X- 05-89

AN ORDINANCE amending General Ordinance No. 2447 ("East End Territory")

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the legal description of the territory to be annexed by General Ordinance No. 2447 as found in SECTION 1 of said ordinance be amended to read as follows:

> Part of Section 8, 9, 16, and 17, Township 30 North, Range 13 East, Allen County, Indiana to wit: Beginning at the intersection of the centerline of Coliseum Boulevard, South with the north right-of-way line of the Norfolk and Western Railway Company; thence Easterly along said north right-of-way line also being the corporate limits to the east line of Section 8; thence South along the east line of Section 8 to the north right-of-way line of Old Lincoln Highway also known as Old Maumee Road; thence East along said north right-of-way line to the north prolongation of the east right-of-way line of Meyer Road; thence South along said prolongation and east right-of-way line of Meyer Road to the north line of the Northwest Quarter of Section 16, Township 30 North, Range 13 East; thence East along said north line to the east line of the Northwest Quarter of said Section 16; thence South along the east line of said Northwest Quarter to the north right-of-way line of Moeller Road; thence West along the said north right-of-way line and Westerly prolongation thereof to the southerly right-of-way line of the Penn Central Railroad; thence Northwesterly along the said southerly right-of-way line of the Penn Central Railroad to the west line of Northeast Quarter of Section 17, Township 30 North, Range 13 East, also being the Corporate limit; thence North along said west line to the north right-of-way line of the Fort Wayne Union Railway Company thence North 74 degrees 44 minutes 14 seconds West along the north right-of-way line of the Fort Wayne Union Railway Company, a distance of 271.44 feet; thence North 00 degrees, 53 minutes 37 seconds West 1374 feet to the centerline of Pontiac Street; thence East along the said centerline to the centerline of Coliseum Boulevard South; thence North along said centerline to the point of beginning.

SECTION 2. That in all other respects General Ordinance No. 2447 shall remain the same.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and any required legal publication thereof.

Councilmember

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay, City Attorney

Read the first time in full and on motion by Long, seconded by Henry, and duly adopted, read the second time by title and referred to the Committee on Annexation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on ~~_____~~, the ~~_____~~, day of _____, 19____, at _____ o'clock ____.M.,E.S.T.

DATED: 11-27-89.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Long, seconded by Talarico, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

| | AYES | NAYS | ABSTAINED | ABSENT |
|---|---|---|---|---|
| TOTAL VOTES | 9 | | | |
| BRADBURY | ✓ | | | |
| BURNS | ✓ | | | |
| EDMONDS | ✓ | | | |
| GiaQUINTA | ✓ | | | |
| HENRY | ✓ | | | |
| LONG | ✓ | | | |
| REDD | ✓ | | | |
| SCHMIDT | ✓ | | | |
| TALARICO | ✓ | | | |

DATED: 12-12-89.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) ~~(APPROPRIATION)~~ (GENERAL) (SPECIAL) ~~(ZONING MAP)~~ ORDINANCE ~~RESOLUTION~~ NO. X-05-89 on the 12th day of December, 1989,

ATTEST: Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
Charles S. Redd
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of December, 1989, at the hour of 11:30 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 18th day of December, 1989, at the hour of 8:00 o'clock A.M.,E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

December 19, 1989

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of December 22 and December 29, 1989, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. X-89-11-36
Annexation Ordinance No. X-05-89
East End Annexation

Bill No. X-89-11-37
Annexation Ordinance No. X-06-89
East End Annexation

Bill No. G-89-10-28 (as amended)
General Ordinance No. G-27-89
Amending Chapter 14.5 of the City Code

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 3

LEGAL NOTICE

Notice is hereby given that on the 12th day of December, 19 89, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. X-89-11-36 -- Annexation Ordinance No. X-05-89 to-wit:

BILL NO. X-89-11- 36

ANNEXATION ORDINANCE NO. X- 05-89

AN ORDINANCE amending General Ordinance No. 2447 ("East End Territory")

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the legal description of the territory to be annexed by General Ordinance No. 2447 as found in SECTION 1 of said ordinance be amended to read as follows:

Part of Section 8, 9, 16, and 17, Township 30 North, Range 13 East, Allen County, Indiana to wit: Beginning at the intersection of the centerline of Coliseum Boulevard, South with the north right-of-way line of the Norfolk and Western Railway Company; thence Easterly along said north right-of-way line also being the corporate limits to the east line of Section 8; thence South along the east line of Section 8 to the north right-of-way line of Old Lincoln Highway also known as Old Maumee Road; thence East along said north right-of-way line to the north prolongation of the east right-of-way line of Meyer Road; thence South along said prolongation and east right-of-way line of Meyer Road to the north line of the Northwest Quarter of Section 16, Township 30 North, Range 13 East; thence East along said north line to the east line of the Northwest Quarter of said Section 16; thence South along the east line of said Northwest Quarter to the north right-of-way line of Moeller Road; thence West along the said north right-of-way line and Westerly prolongation thereof to the southerly right-of-way line of the Penn Central Railroad; thence Northwesterly along the said southerly right-of-way line of the Penn Central Railroad to the west line of Northeast Quarter of Section 17, Township 30 North, Range 13 East, also being the Corporate limit; thence North along said west line to the north right-of-way line of the Fort Wayne Union Railway Company thence North 74 degrees 44 minutes 14 seconds West along the north right-of-way line of the Fort Wayne Union Railway Company, a distance of 271.44 feet; thence North 00 degrees, 53 minutes 37 seconds West 1374 feet to the centerline of

from and after its passage, approval by the Mayor and any required legal publication thereof.

David C. Long
Councilmember

Read the third time in full and on motion by Long, seconded by Talarico, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine
Bradbury, Burns, Edmonds, GiaQuinta, Henry, Long, Redd, Schmidt, Talarico
NAYS: None
ABSENT: None
ABSTAINED: None

DATED: 12-12-89

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-05-89, on the 12th day of December, 1989

ATTEST: (SEAL)

Sandra E. Kennedy
City Clerk

Charles B. Redd
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of December, 1989, at the hour of 11:30 o'clock A.M.,E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 18th day of December, 1989, at the hour of 8:00 o'clock A.M.,E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-05-89, passed by the Common Council on the 12th day of December, 19 89, and that said Ordinance was duly signed and approved by the Mayor on the 18th day of December, 19 89, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 18th day of December, 19 89.

Sandra E. Kennedy

SEAL

SANDRA E. KENNEDY, CITY CLERK

Admn. Appr._____

DIGEST SHEET

TITLE OF ORDINANCE ORDINANCE X-88-11-36

DEPARTMENT REQUESTING ORDINANCE COMMUNITY AND ECONOMIC DEVELOPMENT

SYNOPSIS OF ORDINANCE ORDINANCE AMMENDING ORDINANCE NO. 2447 TO BE IN COMPLIANCE WITH THE SETTLEMENT AGREEMENT BETWEEN FORT WAYNE AND NEW HAVE REGARDING 1951 EAST END ANNEXATION DISPUTE

EFFECT OF PASSAGE CITY WILL BE IN COMPLIANCE WITH THE SETTLEMENT AGREEMENT

EFFECT OF NON-PASSAGE CITY WILL NOT BE IN COMPLIANCE WITH THE SETTLEMENT AGREEMENT

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS)_____

ASSIGNED TO COMMITTEE (PRESIDENT)_____

BILL NO. X-89-11-36

REPORT OF THE COMMITTEE ON ANNEXATION

DAVID C. LONG, CHAIRMAN
JANET G. BRADBURY, VICE CHAIRPERSON
HENRY, BURNS, EDMONDS

WE, YOUR COMMITTEE ON ANNEXATION TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending General Ordinance No. 2447 ("East End Territory")

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~

| DO PASS | DO NOT PASS | ABSTAIN | NO REC |
|---|---|---|---|
| David C. Long | | | |
| Janet G. Bradbury | | | |
| Cletus R. Edmonds | | | |
| [illegible] | | | |
| [illegible] | | | |
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| | | | |
| | | | |

DATED: 12-12-89.

Sandra E. Kennedy
City Clerk

Form Prescribed by State Board of Accounts — General Form No: 99P (Revised 1987)

Fort Wayne common Council
(Governmental Unit)

Allen County, Indiana

To: The Journal-Gazette Dr.
P.O. Box 100
Fort Wayne, IN

## PUBLISHER'S CLAIM

LINE COUNT

| | |
|---|---|
| Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set) -- number of equivalent lines | |
| Head -- number of lines | 1 |
| Body -- number of lines | 98 |
| Tail -- number of lines | 2 |
| Total number of lines in notice | 101 |

COMPUTATION OF CHARGES

| | |
|---|---|
| 101 lines, 1 columns wide equals 101 equivalent lines at .495 cents per line | $ 50.00 |
| Additional charge for notices containing rule or tabular work (50 percent of above amount) | |
| Charge for extra proofs of publication ($1.00 for each proof in excess of two) | 2.00 |
| TOTAL AMOUNT OF CLAIM | $ 52.00 |

DATA FOR COMPUTING COST

Width of single column 12.5 ems
Number of insertions 2
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Nicole Allred

Date: December 29, 19 89 Title: Clerk

m mixes

## PUBLISHER'S AFFIDAVIT

State of Indiana )
) ss:
Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two time(s), the dates of publication being as follows:

12/22,29/89

Nicole Allred

Subscribed and sworn to before me this 29th day of December, 19 89

Shelley R. LaRue

Notary Public Whitley County, IN
SHELLEY R. LARUE

My commission expires: March 3, 1990

Form Prescribed by State Board of Accounts

General Form No. 99P (Revised 1987)

Fort Wayne common Council
(Governmental Unit)
Allen
County, Indiana

To: The News-Sentinel Dr.
P.O. Box 100
Fort Wayne, IN

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Shelley R LaRue

Notary Public Whitley County, I
SHELLEY R. LARUE

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(Governmental Unit)

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Nicole Allred

Date: December 29, 19 89 Title: Clerk

LEGAL NOTICE

Notice is hereby given that on the 12th day of December, 1989, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. X-89-11-36 – Annexation Ordinance No. X-05-89 to-wit:

BILL NO. X-89-11-36

ANNEXATION ORDINANCE NO. X-05-89
AN ORDINANCE Amending General Ordinance No. 2447 ("East End Territory")

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the legal description of the territory to be annexed by General Ordinance No. 2447 as found in SECTION 1 of said ordinance be amended to read as follows:

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SECTION 2. That in all other respects General Ordinance No. 2447 shall remain the same.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and any required legal publication thereof.

David C. Long
Councilmember

Read the third time in full and on motion by Long, seconded by Talarico, and duly adopted, placed in its passage. PASSED by the following vote:

AYES: Nine
Bradbury, Burns, Edmonds, GiaQuinta, Henry, Long, Redd, Schmidt, Talarico
NAYS: None
ABSENT: None
ABSTAINED: None

DATED: 12-12-89

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-05-89, on the 12th day of December, 1989.

Charles B. Redd
Presiding Officer

ATTEST:
Sandra E. Kennedy
City Clerk

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of December, 1989, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 18th day of December, 1989, at the hour of 8:00 o'clock A.M., E.S.T.

Paul Helmke
Mayor

I, the Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-05-89, passed by the Common Council on the 12th day of December, 1989, and that said Ordinance was duly signed and approved by the Mayor on the 18th day of December, 1989, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 18th day of December, 1989.

SANDRA E. KENNEDY, CITY CLERK

12--22-29

## PUBLISHER'S AFFIDAVIT

State of Indiana )
) ss:
Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two time(s), the dates of publication being as follows:

12/22,29/89

Nicole Allred

Subscribed and sworn to before me this 29th day of December, 19 89.

Shelley R. LaRue
Notary Public Whitley County, IN
SHELLEY R. LARUE

My commission expires: March 3, 1990

Form Prescribed by State Board of Accounts

General Form No. 99P (Revised 1987)

Fort Wayne common Council
(Governmental Unit)
Allen
County, Indiana

To: The News-Sentinel Dr.
P.O. Box 100
Fort Wayne, IN

## PUBLISHER'S CLAIM

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Nicole Allred

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LEGAL NOTICE

Notice is hereby given that on the 12th day of December, 1989, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. X-89-11-36 -- Annexation Ordinance No. X-05-89 to-wit:

BILL NO. X-89-11-36

ANNEXATION ORDINANCE NO. X-05-89

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BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

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SECTION 2. That in all other respects General Ordinance No. 2447 shall remain the same.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and any required legal publication thereof.

David C. Long
Councilmember

Read the third time in full and on motion by Long, seconded by Talarico, and duly adopted, placed in its passage. PASSED by the following vote:

AYES: Nine
Bradbury, Burns, Edmonds, GiaQuinta, Henry, Long, Redd, Schmidt, Talarico
NAYS: None
ABSENT: None
ABSTAINED: None
DATED: 12-12-89

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-05-89, on the 12th day of December, 1989.

Charles B. Redd
Presiding Officer

ATTEST:
Sandra E. Kennedy
City Clerk

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of December, 1989, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 18th day of December, 1989, at the hour of 8:00 o'clock A.M., E.S.T.

Paul Helmke
Mayor

I, the Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-05-89, passed by the Common Council on the 12th day of December, 1989, and that said Ordinance was duly signed and approved by the Mayor on the 18th day of December, 1989, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 18th day of December, 1989.

SANDRA E. KENNEDY, CITY CLERK

12--22-29

## PUBLISHER'S AFFIDAVIT

State of Indiana )
) ss:
Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two time(s), the dates of publication being as follows:

12/22,29/89

Nicole Allred

Subscribed and sworn to before me this 29th day of December, 19 89.

Shelley R LaRue

Notary Public Whitley County, IN
SHELLEY R. LARUE

My commission expires: March 3, 1990